

Message Text

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TO ALL DIPLOMATIC POSTS

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AMEMBASSY SUVA BY POUCH

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XMT AMEMBASSY CARACAS

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AMEMBASSY KUALA LUMPUR

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OL CARCAS 7735 SENT ACTION SECSTATE INFO USUN NEW YORK USIA WASHDC
AUGUST 13 REPEATED TO YOU QUOTE

UNCLAS CARACAS 7735

FROM US DEL LOS

DEPT PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT CARACAS

USIA FOR IPS AND IBS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS- UNCLASSIFIED SUMMARY REPORT: WEEK
ENDING AUGUST 8.

1. SUMMARY. COMMITTEE I(DEEP SEABEDS) CONTINUED GENERAL DEBATE ON REGIME AND READING OF TEXTS WITH FOCUS ON ARTICLE 9 (WHO MAY EXPLOIT THE AREA) AND ECONOMIC IMPLICATIONS OF DEEP SEABED MINING. IN COMMITTEE II (STRAITS, TERRITORIAL SEA, ECONOMIC ZONE, ETC), NEARLY 100 SPEAKERS WERE HEARD ON EXCLUSIVE ECONOMIC ZONE ITEM. DISCUSSION WAS ALSO COMPLETED ON LISTS OF SUBJECTS AND ISSUES ITEMS 3 AND LARGELY COMPLETED ON ITEM 9 AND 10. U.S. TABLED FORMAL ARTICLES ON ECONOMIC ZONE AND CONTINENTAL SHELF. COMMITTEE III (POLLUTION AND SCIENTIFIC RESEARCH) CONTINUED IN FORMAL AND INFORMAL SESSIONS TO CONSIDER PROPOSALS AND TEXTS ON POLLUTION WITH INDIA AND CANADA INTRODUCING DRAFT ARTICLES ON A "ZONAL APPROACH". WITH THREE WEEKS REMAINING OF CONFERENCE, COMMITTEES ARE PROCEEDING THROUGH AGENDA ITEMS. END SUMMARY.

2. COMMITTEE I (DEEP SEABED REGIME)- A. KEY ITEMS ON AGENDA OF COMMITTEE I HAVE BEEN THE REGIME AND MACHINERY, ECONOMIC IMPLICATIONS OF MINING AND CONDITIONS OF EXPLOITATION AND RELATED ASPECTS OF THE QUESTION OF THE NATURE AND EXTENT OF CONTROLS TO BE EXERCISED BY THE AUTHORITY. INITIAL STEVENSON STATEMENT IN COMMITTEE I STRESSED THAT KEY ISSUE BEFORE COMMITTEE WAS THE QUESTION OF CONTROLS, OR RIGHTS AND DUTIES OF THE AUTHORITY WITH RESPECT TO EXPLOITATION. HOWEVER, TO DATE,
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COMMITTEE HAS FOCUSED ON EXPLOITATION SYSTEM, PARTICULARLY ARTICLE 9 ON "WHO MAY EXPLOIT THE AREA" AND ECONOMIC ASPECTS. IT IS HOPED THAT THE KEY ISSUE OF NATURE OF CONTROLS AND CONDITIONS OF EXPLOITATION WILL BE ADDRESSED IN FINAL WEEKS OF CONFERENCE. U.S. HAS CONTINUED TO URGE IMPORTANCE OF THIS ASPECT OF SEABED REGIME.

B. GENERAL TRENDS: DURING COURSE OF COMMITTEE WORK
FOLLOWING TRENDS EMERGE:

C. LARGE NUMBER OF DEVELOPING COUNTRY DELEGATIONS CONTINUED TO STRESS DESIRABILITY OF DIRECT EXPLOITATION BY AUTHORITY, BUT EMPHASIZED NEED TO PROVIDE FOR PROTECTION OF INVESTMENTS IN ORDER TO ATTRACT COMPANIES POSSESSING TECHNOLOGY AND CAPITAL

IN EARLY STAGES OF AUTHORITY'S OPERATIONS;

D. MANY DEVELOPING COUNTRY DELS POINTED OUT IMPORTANCE OF PROTECTING ECONOMIES OF LAND-BASED DEVELOPING COUNTRY PRODUCERS FROM POTENTIALLY WHICH INDICATED DEVELOPING CONSUMING COUNTRY APPREHENSION;

E. MANY EUROPEAN, AFRICAN AND ASIAN DELS ENDORSED SOME MIXED SYSTEM FOR EXPLOITATION WHICH WOULD INCLUDE BOTH LICENSING AND DIRECT EXPLOITATION BY AUTHORITY, ALTHOUGH MAJORITY OF DEVELOPING COUNTRIES ENVISIONED EVENTUAL PHASING OUT OF LICENSING OPERATIONS;

F. LARGE NUMBER OF DELEGATIONS ENDORSED NEED FOR ESTABLISHING MACHINERY FOR COMPULSORY SETTLEMENT OF DISPUTES.

G. ARTICLE 9, "WHO MAY EXPLOIT THE AREA". DURING DEBATE ON EXPLOITATION SYSTEM ARTICLE, GROUP OF 77 SUBMITTED NEW ALTERNATIVE TEXT WHICH GAVE AUTHORITY POWER TO DIRECTLY EXPLOIT BUT ALSO PROVIDED FOR VARIETY OF CONTRACTUAL RELATIONSHIPS BETWEEN AUTHORITY AND NATURAL OR JURIDICAL PERSONS. IN ADDITION, JAMAICA INTRODUCED NEW TEXT WHICH HEAVILY EMPHASIZED AUTHORITY'S OBLIGATION TO PERMIT EXPLOITATION ONLY IN ACCORDANCE WITH BASIC REGULATORY CONDITIONS IN TREATY. HOWEVER, PRESURE FOR GROUP OF 77 SOLIDARITY RESULTED IN PLACEMENT OF JAMAICAN PROPOSAL IN FOOTNOTE. NEW ALTERNATIVE TO ARTICLE 9 INTRODUCED BY U.S. UTILIZED NEUTRAL TERM OF "LEGAL UNCLASSIFIED

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ARRANGEMENT" RATHER THAN LICENSES, SERVICE CONTRACTS OR JOINT VENTURES TO DESCRIBE CONTRACTUAL RELATIONSHIP BETWEEN AUTHORITY AND OPERATOR, AND STRESSED NECESSITY OF DEVELOPING RULES AND REGULATIONS BOTH IN TREATY AND THROUGH LATER RULE-MAKING PROCEDURE. SEVERAL LDC LEADERS IN C-I HAVE INDICATED DESIRE TO MOVE DIRECTLY TO SERIOUS NEGOTIATION OF ARTICLE 9, BUT U.S. AND OTHER INDUSTRIALIZED COUNTRIES HAVE INSISTED THAT ARTICLE 9 CAN ONLY BE CONSIDERED IN CONNECTION WITH REGULATORY PROVISIONS.

H. ECONOMIC IMPLICATIONS. C-I HAS HELD SEVERAL SESSIONS OF FORMAL DEBATE AND TWO INFORMAL SEMINARS ON SUBJECT OF ECONOMIC IMPLICATIONS FOR LDC LAND-BASED PRODUCERS OF SEABED PRODUCTION. UNCTAD AND UN STUDIES HAVE BEEN DISCUSSED IN DETAIL AND UNCERTAINTY OF AVAILABLE DATA HAS CLEARLY BEEN RECOGNIZED BY MOST DELS. MOST RECENT STATEMENTS OF KEY DEVELOPING COUNTRY REPS HAVE IMPLIED DISCREET SHIFT IN POSITION TOWARDS INCLUDING SAFEGUARD PROVISIONS IN TREATY WHICH WOULD EMPOWER AUTHORITY TO TAKE ACTION WHEN AND IF PROBLEM OCCURS RATHER THAN TAKING IMMEDIATE ACTION TO PREVENT DETERIORATION OF PRICES FOR LAND-BASED PRODUCERS.

I. U.S. DELIVERED LONG STATEMENT ON CONDITIONS OF

EXPLOIRATION, EMPHASIZING NEED FOR PRECISE PROVISIONS GUARANTEEING SOUND AND NON-DISCRIMINATORY INVESTMENT CONDITIONS.

3. COMMITTEE II - A. ECONOMIC ZONE: COMIITTEE II
COMPLTED DEABETE ON ITEM 6 (EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA) WITH NEARLY 100 COUNTRIES STATING THEIR POSITIONS. MAIN TRENDS WHICH HAVE EMERGED FROM PROPOSALS AND DEBATE WILL BE REFLECTED IN INFORMAL WORKING PAPER NO. 4. WORKING PAPER WILL CONTAIN ALTERNATIVE FORMULATIONS IN TREATY LANGUAGE WHERE SEVERAL MAIN TRENDS HAVE BEEN INDICATED. THERE SEEMS TO BE VERY WIDESPREAD SUPPORT FOR 200-MILE ZONE WITH FREEDOM OF NAVIAGTION, OVERFLIGHT AND LAYING OF SUBMARINE CABLES AND PIPELINES BEYOND 12 MILES. THREE OVERALL THEMES HAVE BEEN EVIDENCED IN DISCUSSION ON NATURE OF JURISDICTION INZONE: 1) STATES FAVORING EXTENSIVE (QUASI-TERRITORIA) RIGHTS OVER ALL RESOURCES, MARINE POLLUTION, SCIENTIFIC RESEARCH, AND OTHER MATTERS WITH RESIDUALSOVEREIGNTY IN COASTAL STATE;
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2) STATES SUPPORTING COASTAL STATE SOVEREIGN OR EXCLUSIVE RIGHTS OVER RESOURCES WITH SPECIFICALLY DEFINED RIGHTS AND DUTIES WITH RESPECT OTHER MATTERS, MAINTAINING BALANCE BETWEEN COATAL AND NON-COATAL STATE JURISDICTION;

3) STATES ADVOCATING COASTAL STATE SOVEREIGN OR EXCLUSIVE RIGHTS OVER RESOURCES, BUT NOT RIGHT OVER OTHER MATTERS.

B. U.S.S. ARTICLES: U.S. ARTICLES HAVE BEEN WELL RECEIVED AND MEETINGS ARE PLANNED WITH KEY DEVELOPING COUNTRY LEADERS. ARTICLES ARE IN THREE SECTIONS: I. ECONOMIC ZONE, II. FISHING, AND III. CONTINENTAL SHELF.

(1) ECONOMIC ZONE SECTION PROVIDES FOR 200-MILE LIMIT, WITH COASTAL STATE SOVEREIGN AND EXCLUSIVE RIGHTS OVER RESOURCES, EXCLUSIVE RIGHTS OVER DRILLING AND ECONOMIC INSTALLATIONS, AND OTHER RIGHTS AND DUTIES REGARDING SCIENTIFIC RESEARCH AND POLLUTION TO BE SPECIFIED, COASTAL STATE ENVIRONMENTAL DUTIES WITH RESPECT TO INSTALLATIONS AND SEABED ACTIVITIES, AND WILL ALL STATES ENJOYING FREEDOM OF NAVIGATION AND OTHER RIGHTS RECOGNIZED BY INTERNATIONA LAW.

(2) FISHING SECTION PROVIDES FOR EXCLUSIVE COASTAL STATE RIGHT TO REGULATE FISHING IN ECONOMIC ZONE, SUBJECT TO DUTY TO CONSERVE AND ENSURE FULL UTILIZATION OF FISH STOCKS. ARTICLE ON ANADROMOUS SPECIES PROHIBITS FISHING FOR SUCH SPECIES BEYOND TERRITORIAL SEA EXCEPT AS AUTHORIZED BY STATE OF ORIGIN. ARTICLE ON HIGHLY MIGRATORY SPECIES PROVIDES FOR COATAL STATE REGULATION IN ZONE AND FLAG STATE REGULATION OUTSIDE ZONE IN ACCORDANCE WITH REGULATIONS OF INTERNTIONAL ORGANIZATION; MEMBERSHIP IN ORGANIZATION IS MANDATORY; COASTAL STATE WILL RECEIVE FESS FOR FISH CAUGHT IN ZONE, ARRANGEMENTS BETWEEN ORGANIZATION AND COASTAL STATE TOBE MADE FOR THIS PUPOSE; ORGANIZATION'S ALLOCATION OF FISH TO TAKE INTO ACCOUNT SPECIAL INTERESTS OF COASTAL STATE IN ZONE.

(3) CONTINENTAL SHELF SECTION PROVIDES FOR COASTAL STATE SOVEREIGN RIGHT OVER EXPLORATION AND EXPLOITATION OF CONTINENTAL SHELF RESOURCES, AND DEFINES CONTINENTAL SHELF AS EXTENDING TO LIMIT OF ECONOMIC ZONE, OR BEYOND TO OUTER LIMIT OF CONTINENTAL MARGIN (TO BE PRECISELY DEFINED). COASTAL STATE DUTIES TO RESPECT INTEGRITY OF FOREIGN INVESTMENT AND TO MAKE SOME PAYMENTS FROM MINERAL RESOURCES EXPLOITATION FOR INTERNATIONAL COMMUNITY PURPOSES, PARTICULARLY FOR DEVELOPING COUNTRIES, FROM SEA SEAWARD OF 12 MILES OR 200 METERS DEPTH, WHICHEVER IS UNCLASSIFIED

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FARTHER SEAWARD.

C. OTHER ITEMS: COMMITTEE II ALSO COMPLETED DEBATE ON ITEM 7 (COASTAL STATE PREFERENTIAL RIGHTS OR OTHER NON-EXCLUSIVE JURISDICTION OVER RESOURCES BEYOND THE TERRITORIAL SEA), ITEM 8 (HIGH SEAS) AND ITEM 3 (CONTIGUOUS ZONE). DISCUSSION WAS ALSO NEARLY COMPLETED ON ITEM 9 (LAND-LOCKED COUNTRIES) AND ITEM 10 (RIGHTS AND INTERESTS OF SHELF-LOCKED COUNTRIES AND STATES WITH NARROW SHELVES OR SHORT COASTLINES). IN CONNECTION WITH ITEMS 9 AND 10, "GEOGRAPHICALLY DISADVANTAGED" STATES STRESSED RIGHT OF FREE ACCESS TO SEA AND SHARING IN RESOURCES OF ECONOMIC ZONE 'USUALLY LIMITED TO DEMANDS FOR PARTICIPATION IN FISHERIES ON REGIONAL BASIS). IN INFORMAL SESSION, COMMITTEE II DISCUSSED WORKING PAPER NO. 3 (CONTINENTAL SHELF). VARIOUS DELEGATIONS OFFERED NUMBER OF SUGGESTIONS WHICH WILL BE TAKEN INTO ACCOUNT BY THE CHAIRMAN AND BUREAU IN REVISING WORKING PAPER ON SHELF.

4. COMMITTEE III (POLLUTION AND SCIENTIFIC RESEARCH).

A. POLLUTION: IN COURSE OF FORMAL AND INFORMAL DISCUSSION ON ASPECT OF POLLUTION PROBLEM THERE APPEARS TO BE DEVELOPING GREATER UNDERSTANDING OF PARTICULAR COMPLEXITIES OF VESSEL POLLUTION ISSUE AND A MOVEMENT IN DIRECTION OF NOT ENABLING COASTAL STATE TO IMPOSE HIGHER CONSTRUCTION STANDARDS IN A ZONE, ALTHOUGH ZONAL APPROACH STILL FAVORED BY MANY STATES RE OTHER ASPECTS OF POLLUTION ISSUES. SECOND TREND HAS BEEN PUSH IN COMMITTEE LED BY INDIA AND BRAZIL FOR TREATY TEXTS WHICH WOULD GIVE DEVELOPING COUNTRIES SPECIAL TREATMENT IN THE FORMULATION AND IMPLEMENTATION OF ENVIRONMENTAL STANDARDS, THE SO-CALLED "DOUBLE STANDARD" APPROACH. NEGOTIATIONS ON POLLUTION HAVE BEEN PROCEEDING ON THREE LEVELS: INFORMAL COMMITTEE SESSIONS FOR GENERAL DEBATE AND INTRODUCTION OF PROPOSALS, INFORMAL SESSIONS TO CONSIDER SPECIFIC ISSUES AND TEXTS, AND IN SMALL NEGOTIATING AND DRAFTING GROUP TO RESOLVE DIFFERENCES AND PRODUCE AGREED TEXTS. MAJOR NEW PROPOSAL IN FORMAL SESSION WAS DRAFT ARTICLES ON A ZONAL APPROACH SPONSORED BY TEN STATES INCLUDING INDIA AND CANADA. INFORMAL SESSIONS HAVE CONSIDERED PROPOSED AMENDMENTS TO THE SEABED COMMITTEE'S AGREED AND ALTERNATIVE TEXTS AND HAVE BEGUN DISCUSSIONS IN TURN ON ITEMS ON STANDARDS AND ENFORCEMENT. DISCUSSION ON ITEM ON POLLUTION FROM LAND-BASED ACTIVITIES

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FROM EXPLOITATION OF CONTINENTAL SHELF RESOURCES HAVE BEEN COMPLETD AND A SMALL DRAFTING GROUP HAS PRODUCED SOME AGREED AND ALTERNATIVE TEXTS ON BASIC AND PARTICULAR OBLIGATIONS TO PREVENT POLLUTION.

B. SCIENTIFIC RESEARCH: IN COURSE OF THREE MEETIGS THIS WEEK, INFORMAL WORKING GROUP DISCUSSED AND ACCEPTED PROPOSED FORMAT OF CHAIRMAN METTERNICK CALLING FOR FOCUS OF REMAINING SESSIONS TO BE ON GENERAL PRINCIPLES AND MAJOR TRENDS. FOLLOWING ACCEPANCE OF PLAN, METTERNICK PRESENTED WORKING GROUP WITH SETS OF GENERAL PRINCIPLES AND TRENDS.

BY END OF WEEK WORKING GROUP HAD "ELABORATED"PRINCIPLES AND SET STAGE FOR KEY DISCUSSIONS ON TRENDS IN REMAINING TWO WEEKS. THROUGHOUT SESSIONS METTERNICK URGED STATES WITH SIMILAR PROPOSALS TO COMBINE THEM INTO A SINGLE PROPOSAL TO MAKE TRENDS DISCUSSION MORE FRUITFUL. IN FORMAL SESSION OF COMMITTEEIII, SECRETARIAT PRESENTED PAPER ON ACQUISITION AND TRANSFER OF TECHNOLOGY AND NIGERIA INTRODUCED FIRST PROPOSAL TO DEAL WITH SUBJECT. IN ADDITION, TRINIDAD AND TOBAGO INTRO- DUCED DRAFT ARTICLES ON SCIENTIFIC RESEARCH CALLING FOR CONSENT REGIME. STEVENSON UNQUOTE KISSINGER

NOTE BY OC/T: POUCHED ABOVE ADDRESSEES.

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CINCLANT FOR POLAD
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